



74

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/826,032 | 04/03/2001 | Richard A. Steenblik | 40669/201349 | 3794 |
| 23370 | 7590 | 11/04/2003 | EXAMINER | |
| JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309 | | | NGUYEN, THONG Q | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2872 | | |
| DATE MAILED: 11/04/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/826,032 | STEENBLIK ET AL. |
| Examiner | Art Unit | |
| Thong Q. Nguyen | 2872 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 14-28, 39-46, 53, 54 and 78-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-5, 14-28, 39-46, 53-54 and 78-95 is/are allowed.
- 6) Claim(s) 96, 97 and 102 is/are rejected.
- 7) Claim(s) 98-101 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment (Paper No. 10) of 5/23/2003. It is noted that in the mentioned amendment, applicant has added a new set of claims, i.e., claims 78-102, into the present application. As a result of addition, claims 1-5, 14-28, 39-46, 53-54 and 78-101 are examined in this Office action.

Allowable Subject Matter

2. The newly-added claims 78-102 are added into the application contain some board claims which are not allowable with respect to the art of record.

A careful review of the cited art has yielded the following conclusion: 1) Claims 1-5, 14-28, 39-46, 53-54 and 78-95 are allowable; 2) Claims 96-97 and 102 are rejected for the reasons as set forth below; and 3) Claims 98-101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 96 and 102 are rejected under 35 U.S.C. 102(b) as being anticipated by Adrian et al (U.S. Patent No. 4,435,912, of record).

Adrian et al disclose an optical device for viewing an object. The device as described in column 2 and shown in figure 9 comprises an enclosed housing

having a top portion supporting a biconvex lens and a bottom portion supporting an object such as a microfilm to be magnified by the lens. Regarding to the term "microscope" as recited in the preamble of the claims, such term is not given a patentable weight because all of the features/limitations appeared after the term "comprising" do not provide any structure for the term "microscope" used/recited in the preamble of the claim(s).

5. Claims 96-97 and 102 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace (U.S. Patent No. 4,095,874).

Wallace discloses a microscope for viewing an object. The device as described in columns 5-6 and shown in figures 17-21 comprises a housing having a top portion supporting a spherical lens and a bottom portion supporting an object having an adhesive layer acting as a slide holding and locking mechanism to be magnified by the lens. The movement of the bottom portion with respect to the top portion due to the structure of the housing having the top and bottom portions.

Conclusion

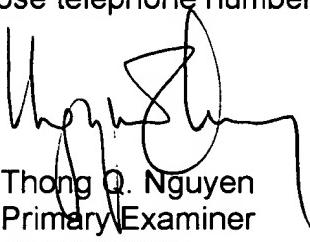
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (703) 308-4814. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/826,032
Art Unit: 2872

Page 4

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

BEST AVAILABLE COPY